

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-0346-PWS-E TCEQ ID: RN101216133 CASE NO.: 35459**  
**RESPONDENT NAME: Ranger Utility Company**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Lakeside Estates Subdivision, located at the intersection of River Run and Lakeside Drive, Waller County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on July 7, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4033; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Albert M. McCaig, Jr., Registered Agent, Ranger Utility Company, 3601 South Kings Highway, Texarkana, Texas 77484  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> January 15, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> February 21, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to conduct an annual inspection of the water system's pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>2) Failure to plug and seal an abandoned public water supply well in accordance with 16 TEX. ADMIN. CODE ch. 76 or return the well to a non-deteriorated condition [30 TEX. ADMIN. CODE § 290.46(u)].</p> <p>3) Failure to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>4) Failure to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p>	<p><b>Total Assessed:</b> \$2,030</p> <p><b>Total Deferred:</b> \$406  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,624</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On March 11, 2008, the Respondent submitted a plugging report for the abandoned well; and</p> <p>b. On February 15, 2008, the Respondent performed the interior and exterior annual pressure tank inspection.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Provide a total storage capacity of 200 gallons per connection; and</p> <p>ii. Provide two or more pumps having a total capacity of 2.0 gpm per connection.</p> <p>b. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): PWS2370008



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ

DATES

Assigned 25-Feb-2008

PCW 27-Feb-2008

Screening 27-Feb-2008

EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent Ranger Utility Company

Reg. Ent. Ref. No. RN101216133

Facility/Site Region 12-Houston

Major/Minor Source Minor

## CASE INFORMATION

Enf./Case ID No. 35459

Docket No. 2008-0346-PWS-E

Media Program(s) Public Water Supply

Multi-Media

Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

No. of Violations 4

Order Type 1660

Enf. Coordinator Epifanio Villarreal

EC's Team Enforcement Team 2

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$1,750

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 10% Enhancement

Subtotals 2, 3, &amp; 7 \$175

Notes The penalty enhancement is due to two prior Notices of Violation containing violations that are the same as or similar to the violations in the current enforcement action.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV

NOV to EDRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes The Respondent does not meet the good faith criteria.

0% Enhancement\*

Subtotal 6 \$0

Total EB Amounts \$764

Approx. Cost of Compliance \$17,100

\*Capped at the Total EB \$ Amount

## SUM OF SUBTOTALS 1-7

Final Subtotal \$1,925

## OTHER FACTORS AS JUSTICE MAY REQUIRE

5%

Adjustment \$105

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount \$2,030

## STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$2,030

## DEFERRAL

20%

Reduction

Adjustment -\$406

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

## PAYABLE PENALTY

\$1,624

Screening Date 27-Feb-2008

Docket No. 2008-0346-PWS-E

PCW

Respondent Ranger Utility Company

Policy Revision 2 (September 2002)

Case ID No. 35459

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101216133

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

The penalty enhancement is due to two prior Notices of Violation containing violations that are the same as or similar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 10%

<b>Screening Date</b> 27-Feb-2008		<b>Docket No.</b> 2008-0346-PWS-E		<b>PCW</b>
<b>Respondent</b> Ranger Utility Company		<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 35459		<i>PCW Revision January 29, 2008</i>		
<b>Reg. Ent. Reference No.</b> RN101216133				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Epifanio Villarreal				
<b>Violation Number</b>		<div style="border: 1px solid black; width: 100px; text-align: center;">1</div>		
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; width: 100%; padding: 5px;">30 Tex. Admin. Code § 290.46(m)(1)(B)</div>		
<b>Violation Description</b>		<div style="border: 1px solid black; width: 100%; padding: 5px;">Failed to conduct an annual inspection of the water system's pressure tank.</div>		
<b>Base Penalty</b>				<div style="border: 1px solid black; width: 100px; text-align: right;">\$1,000</div>

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Harm</b>	
		Major      Moderate      Minor	
	Actual	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>
Potential	<div style="border: 1px solid black; width: 100px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	<b>Percent</b> <div style="border: 1px solid black; width: 100px; text-align: right;">0%</div>

  

<b>Matrix Notes</b>	Complete failure to perform an inspection of the pressure tank could result in non-detection of a tank defect that causes loss of tank integrity, and customers of the water supply could be exposed to significant amounts of contamination that would exceed levels that are protective of human health.
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<b>Adjustment</b>	<div style="border: 1px solid black; width: 100px; text-align: right;">\$750</div>
<div style="border: 1px solid black; width: 100px; text-align: right;">\$250</div>	

  

**Violation Events**

Number of Violation Events	<div style="border: 1px solid black; width: 100px; text-align: center;">1</div>	<div style="border: 1px solid black; width: 100px; text-align: center;">365</div>	Number of violation days
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<i>mark only one with an x</i>	daily	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	<b>Violation Base Penalty</b> <div style="border: 1px solid black; width: 100px; text-align: right;">\$250</div>
	monthly	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	
	quarterly	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	
	semiannual	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	
	annual	<div style="border: 1px solid black; width: 100px; text-align: center;">x</div>	
	single event	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	

  

One annual event is recommended.

  

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
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Estimated EB Amount	<div style="border: 1px solid black; width: 100px; text-align: right;">\$105</div>	Violation Final Penalty Total	<div style="border: 1px solid black; width: 100px; text-align: right;">\$290</div>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<div style="border: 1px solid black; width: 100px; text-align: right;">\$290</div>	

**Economic Benefit Worksheet**

**Respondent** Ranger Utility Company  
**Case ID No.** 35459  
**Reg. Ent. Reference No.** RN101216133  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$100	15-Jan-2007	16-Jan-2008	1.0	\$5	\$100	\$105
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to conduct the annual pressure tank inspection, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance

\$100

TOTAL

\$105

<b>Screening Date</b> 27-Feb-2008		<b>Docket No.</b> 2008-0346-PWS-E		<b>PCW</b>		
<b>Respondent</b> Ranger Utility Company		<i>Policy Revision 2 (September 2002)</i>				
<b>Case ID No.</b> 35459		<i>PCW Revision January 29, 2008</i>				
<b>Reg. Ent. Reference No.</b> RN101216133						
<b>Media [Statute]</b> Public Water Supply						
<b>Enf. Coordinator</b> Epifanio Villarreal						
<b>Violation Number</b> <input type="text" value="2"/>						
<b>Rule Cite(s)</b>		<input type="text" value="30 Tex. Admin.Code § 290.46(u)"/>				
<b>Violation Description</b>		<p>Failed to plug and seal an abandoned public water supply well in accordance with 16 Tex. Admin. Code ch. 76 or return the well to a non-deteriorated condition. Specifically, at the time of the investigation, it was documented that Well No. 2 is currently capped and needs to be plugged.</p>				
		<b>Base Penalty</b>		<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
OR	<b>Harm</b>					
	<b>Release</b>	Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b>	<input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>						
	Falsification	Major	Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b>	<input type="text" value="0%"/>
<b>Matrix Notes</b>		<p>Failing to ensure that the well is properly cemented and protected could cause the water supply's source water to be contaminated with a significant amount of pollutants which would exceed levels protective of human health.</p>				
		<b>Adjustment</b>		<input type="text" value="\$750"/>		
				<input type="text" value="\$250"/>		
<b>Violation Events</b>						
Number of Violation Events		<input type="text" value="2"/>	<input type="text" value="43"/>		Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>				
	monthly	<input type="text" value="x"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	<input type="text"/>				
		<b>Violation Base Penalty</b>		<input type="text" value="\$500"/>		
		<p>Two monthly events are recommended from the date of the investigation January 15, 2008, to the date of screening, February 27, 2008.</p>				
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>			
Estimated EB Amount		<input type="text" value="\$107"/>	Violation Final Penalty Total		<input type="text" value="\$580"/>	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$580"/>		

**Economic Benefit Worksheet**

**Respondent** Ranger Utility Company  
**Case ID No.** 35459  
**Reg. Ent. Reference No.** RN101216133  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	15-Jan-2008	11-Mar-2008	0.2	\$5	\$102	\$107
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to plug abandoned Well No. 2 or return it to a non-deteriorated condition, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$107



Screening Date 27-Feb-2008

Docket No. 2008-0346-PWS-E

PCW

Respondent Ranger Utility Company

Policy Revision 2 (September 2002)

Case ID No. 35459

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101216133

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii) and Tex. Health &amp; Safety Code § 341.0315(c)

## Violation Description

Failed to provide a total storage capacity of 200 gallons per connection. Specifically, at the time of the investigation, the investigator documented that there was no total storage capacity provided. Based on the number of connections, the system is required to provide a total storage capacity of 15,800 gallons, which is 100% deficient.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without any total storage capacity, customers of the water system could experience water outages and may compromise the system's ability to provide a safe and adequate water supply exposing customers to a significant amount of contaminants that exceed levels protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 2

43 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended from the date of the investigation January 15, 2008, to the date of screening, February 27, 2008.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$394

Violation Final Penalty Total \$580

This violation Final Assessed Penalty (adjusted for limits) \$580

**Economic Benefit Worksheet****Respondent** Ranger Utility Company**Case ID No.** 35459**Reg. Ent. Reference No.** RN101216133**Media** Public Water Supply**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	15-Jan-2008	1-Mar-2009	1.1	\$19	\$375	\$394
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to create a total storage capacity of 200 gallons per connection, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$394

Screening Date 27-Feb-2008

Docket No. 2008-0346-PWS-E

PCW

Respondent Ranger Utility Company

Policy Revision 2 (September 2002)

Case ID No. 35459

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101216133

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health &amp; Safety Code § 341.0315(c)

## Violation Description

Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the water system has 79 connections and must provide a minimum pump capacity of 158 gpm. However, no service pumps were provided, which is 100% deficient.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient service pump capacity, customers of the water system could experience water outages and may compromise the system's ability to provide a safe and adequate water supply exposing customers to a significant amount of contaminants that exceed levels protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 2

43 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended from the date of the investigation January 15, 2008, to the date of screening, February 27, 2008.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$158

Violation Final Penalty Total \$580

This violation Final Assessed Penalty (adjusted for limits) \$580

**Economic Benefit Worksheet****Respondent** Ranger Utility Company**Case ID No.** 35459**Reg. Ent. Reference No.** RN101216133**Media** Public Water Supply**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$2,000	15-Jan-2008	1-Mar-2009	1.1	\$8	\$150	\$158
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the amount to provide a service pump capacity of 2.0 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$2,000

**TOTAL**

\$158

# Compliance History

Customer/Respondent/Owner-Operator:	CN600698153	Ranger Utility Company	Classification:	Rating:
Regulated Entity:	RN101216133	LAKESIDE ESTATES SUBDIVISION	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		2370008
	WATER LICENSING	LICENSE		2370008
Location:	INTERSECTION OF RIVER RUN & LAKESIDE DR, WALLER COUNTY, TX			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	February 27, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 27, 2003 to February 27, 2008			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Epi Villarreal Phone: (210) 403-4033

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |
|---|------------|----------|
| 1 | 07/10/2003 | (130724) |
| 2 | 06/15/2005 | (394537) |
| 3 | 02/22/2008 | (611289) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |  |                          |
|--------------|--|--------------------------|
| Date:        | 07/10/2003   | (130724)                 |
| Self Report? | NO   | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)   |                          |
| Description: | Failure to inspect the interior and exterior of the pressure tank.   |                          |
| Self Report? | NO   | Classification: Minor    |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(m)   |                          |
| Description: | Failure to maintain the regulated entity by not tightening the barbed wire on the fence at the well site.  |                          |
| Self Report? | NO   | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)  |                          |
| Description: | Failure to perform and record on a weekly basis free chlorine residual.  |                          |
| Self Report? | NO   | Classification: Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(u)   |                          |
| Description: | Failure to test wells that are not in use and are non-deteriorated every five years or as required by the executive director to prove that they are in a non-deteriorated condition. |                          |

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)  
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)  
 Description: Failure to provide records of the volume of water treated and pumped each week.

Date 06/09/2005 (394537)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)  
 Description: Failure to inspect the interior and exterior of the pressure tank.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure to maintain the regulated entity by not tightening the barbed wire on the fence at the well site.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)  
 Description: Failure to perform and record on a weekly basis free chlorine residual.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)  
 Description: Failure to test wells that are not in use and are non-deteriorated every five years or as required by the executive director to prove that they are in a non-deteriorated condition.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)  
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)  
 Description: Failure to provide records of the volume of water treated and pumped each week.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)  
 Description: Failure to repair or replace the leaking discharge line located at the well line must be repaired or replaced as necessary.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)  
 Description: Failure to provide a total storage capacity of 200 gallons per connection.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)  
 Description: Failure to provide a service pump capacity of 2.0 gallons per minute per connection.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure to maintain the entity by not repairing or replacing the inoperable site glass on the pressure tank.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RANGER UTILITY COMPANY  
RN101216133**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0346-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ranger Utility Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply located at the intersection of River Run and Lakeside Drive, Waller County, Texas (the "Facility") that has approximately 79 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 26, 2008.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Two Thousand Thirty Dollars (\$2,030) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Six Hundred Twenty-Four Dollars (\$1,624) of the administrative penalty and Four Hundred Six Dollars (\$406) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the





Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. On March 11, 2008, the Respondent submitted a plugging report for the abandoned well; and
  - b. On February 15, 2008, the Respondent performed the interior and exterior annual pressure tank inspection.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to conduct an annual inspection of the water system's pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on January 15, 2008.
2. Failed to plug and seal an abandoned public water supply well in accordance with 16 TEX. ADMIN. CODE ch. 76 or return the well to a non-deteriorated condition, in violation of 30 TEX. ADMIN. CODE § 290.46(u), as documented during an investigation conducted on January 15, 2008.
3. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 15, 2008.



4. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 15, 2008.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ranger Utility Company, Docket No. 2008-0346-PWS-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 180 days after the effective date of this Agreed Order:
    - i. Provide a total storage capacity of 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
    - ii. Provide two or more pumps having a total capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
  - b. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:



"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John S. Sadein  
\_\_\_\_\_  
For the Executive Director

7/21/2008  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Jason Clepper  
\_\_\_\_\_  
Signature

4-25-08  
\_\_\_\_\_  
Date

Jason Clepper  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Ranger Utility Company

Vice President  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

